

## Mock Trial Objections

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**Note:** Teams are not precluded from raising additional objections which may be available under the Minnesota Mock Trial Competition Rules of Evidence.

### Rule 4.18 Objections

- 1. Argumentative Question:** An attorney shall not ask argumentative questions, i.e. one that asks the witness to agree to a conclusion drawn by the questioner without eliciting testimony as to new facts. The court, however, in its discretion, may allow limited use of argumentative questions on cross-exam.
- 2. Assuming Facts Not in Evidence:** Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a “hypothetical question”).
- 3. Badgering the Witness:** An attorney may not harass or continue to annoy/aggravate a witness.
- 4. Beyond the Scope:** Applies only to redirect & re-cross.
- 5. Character Evidence:** Refer to *Rule 608*
- 6. Hearsay:** Refer to Mock Trial Rules of Evidence, Article VIII, for an explanation of hearsay and the exceptions allowed for purposes of Mock Trial competition.
- 7. Irrelevant:** Refer to *Article IV*
- 8. Lack of Personal Knowledge:** A witness may not testify on any matter of which the witness has no personal knowledge. See *Rule 602, Article VI*
- 9. Lack of Proper Predicate/Foundation:** Attorneys shall lay a proper foundation prior to moving the admission of evidence. The basic idea is that before a witness can testify to anything important, it must be shown that the testimony rests on adequate foundation. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.
- 10. Lack of Qualification of the Witness as an Expert:** See *Rule 702.1*
- 11. Leading Question:** Refer to *Rule 611 (c)*
- 12. Non-Responsive Answer:** A witness’ answer is objectionable if it fails to respond to the question asked.
- 13. Opinion on Ultimate Issue:** Refer to *Rule 704*
- 14. Question Calling for Narrative or General Answer:** Questions must be stated so as to call for a specific answer. (Example of improper question: “Tell us what you know about this case.”)
- 15. Repetition/Ask & Answered:** Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.
- 16. Speculation:** A witness’ testimony should be based on the facts and issues of the case being argued. An attorney shall not ask a question which allows the witness to make suppositions based on hypothetical situations.
- 17. Unfair Extrapolation:** Refer to explanation in *Rule 2.3*